

RULES AND REGULATIONS
PERTAINING TO THE LICENSING
OF DIETITIANS/NUTRITIONISTS
(R5-64-D/N)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

October 1992

As Amended:

July 1996

July 1997

November 2001

January 2002 (re-filing in accordance
with the provisions of section 42-35-
4.1 of the Rhode Island General
Laws, as amended)

October 2006 (Proposed)

COMPILER'S NOTES:

Proposed Additions: Underlined

Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These *Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists (R5-64-D/N)* are promulgated pursuant to the authority conferred under Chapter 5-64 of the General Laws of Rhode Island, as amended, for the purpose of protecting the health, safety and welfare of the public by ~~providing~~ establishing prevailing standards for the ~~licensing~~ licensure and ~~regulation~~ of dietitians/nutritionists.

Pursuant to the provisions of Chapter 42-35-3 of the General Laws, consideration was given to: (1) alternative approach to the amended regulations; and (2) duplication or overlap with other state regulations. ~~; and (3) significant economic impact on small business as defined in Chapter 42-35 of the General Laws which may result from the regulations.~~ No alternative approach, duplication or overlap was identified, ~~nor any significant economic impact~~ based on information available.

These *Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists* shall supersede all previous rules and regulations pertaining to the licensing of dietitians/nutritionists promulgated by the Department of Health and filed with the Secretary of State.

TABLE OF CONTENTS

| <i>Section (R5-64-D/N)</i> | <i>Page</i> |
|---|--------------------|
| 1.0 Definitions | 1 |
| 2.0 Licensing Requirements | 1 |
| 3.0 Qualifications for Licensure | 1 |
| 4.0 Application for License and Fee | 2 |
| 5.0 License Expiration and Renewal | 3 |
| 6.0 Denial, Suspension or Revocation of License--Violations | 4 |
| 7.0 Exemptions | 5 |
| 8.0 Rules Governing Practices and Procedures | 5 |
| 9.0 Severability | 6 |
| References | 7 |

Section 1.0 *Definitions*

Whenever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 **"Act"** means Chapter 5-64 of the General Laws of Rhode Island, as amended.
- 1.2 **"Board"** means the Rhode Island State Board of Dietetics.
- 1.3 **"Commission on Dietetic Registration (CDR)"** means a national commission on dietetic registration that is a member of the National Commission for Health Certifying Agencies.
- 1.4 **"Degree"** means a degree received from or validated by a college or university that was regionally accredited through the Council on Postsecondary Accreditation and the U.S. Department of Education at the time the degree was conferred.
- 1.5 **"Dietitian and/or nutritionist"** means a person engaged in the practice of dietetics.
- 1.6 **"Registered dietitian"** means a person registered by the Commission on Dietetic Registration.
- 1.7 **"Licensed dietitian/nutritionist"** means a person licensed under the Act and the rules and regulations herein.
- 1.8 **"Director"** means the Director of the Rhode Island Department of Health.
- 1.9 **"Dietetics"** means the professional discipline of applying principles derived from the sciences of nutrition, biochemistry, physiology, management, and behavioral and social sciences in the provision of dietetic services.
- 1.10 **"Examination"** means the registration examination for dietitians or other examination as determined by and approved by the Board.

Section 2.0 *Licensing Requirement*

- 2.1 Only a person licensed or otherwise authorized to practice under the Act and the rules and regulations herein shall practice dietetics or use the title "dietitian/nutritionist" or use the letters L.D.N. or any facsimile thereof.

Section 3.0 *Qualifications For Licensure*

3.1 *Licensure by examination*

The applicant must present:

- a) evidence of completion of a baccalaureate or post baccalaureate degree with a program in nutrition or dietetics; *and*
- b) evidence of completion of a Board approved, planned, continuous experience in dietetics practice ~~which meets the American Dietetic Association accreditation/approval program definition of professional level supervised practice, or~~

~~its equivalent,~~ of not less than nine hundred (900) hours under the supervision of a registered dietitian or dietitian/nutritionist licensed in the state of Rhode Island; or evidence of completion of an American Dietetic Association (ADA)-approved internship of not less than nine hundred (900) hours; and

- c) evidence of having successfully passed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration.

Section 4.0 *Application for Licensure and Fee*

4.1 Application for licensure shall be made on forms provided by the ~~Division of Professional Regulation Department~~ which shall be completed, notarized and submitted to the Board thirty (30) days prior to the scheduled meeting of the Board. Such application shall be accompanied by the following documents: (Photocopies are not acceptable unless they are notarized.)

- a) ~~For those born in the U.S.: A certified copy of birth certificate.~~
~~For those born outside the U.S.: Proof of lawful entry into the country.~~
- b) a) A recent identification photograph of the applicant, head and shoulders front view, approximately 2 x 3 inches in size.
- e) ~~Three (3) affidavits from responsible unrelated persons attesting to the applicant's good moral character.~~
- d) b) The non-refundable application fee of sixty-two dollars and fifty cents (\$62.50), check or money order made payable to the General Treasurer, State of Rhode Island.
- e) c) Persons who apply for licensure with examination:

evidence of having successfully completed the examination administered by the Commission on Dietetic Registration, mailed directly from the Commission to the Department.
- f) d) Persons who apply for licensure without examination must provide proof of valid registration mailed directly from the Commission on Dietetic Registration.

3.2 *Graduate Practice*

~~3.2.1~~ 4.2 Any graduate of a program in nutrition/dietetics, ~~which~~ that is approved by the American Dietetic Association Commission on Education, who has filed a completed application (which includes all documents except for examination scores) for licensing, may, upon receiving a receipt permit from the ~~Division of Professional Regulation, Department~~ perform as a dietitian/nutritionist under the supervision of a dietitian/ nutritionist licensed in this state.

~~3.2.2~~ 4.2.1 During this period, such an applicant shall identify him or herself only as a "graduate dietitian/nutritionist."

- ~~3.2.3~~ 4.2.2 If such an applicant shall fail to pass the examination and receive a license within ~~six (6) months~~ ninety (90) days of receiving a ~~receipt-permit~~ from the Division of Professional Regulation Department, all aforementioned privileges shall automatically cease.

~~3.3~~ ***Licensing Without Examination***

- ~~3.3.1~~ The Board shall recommend for licensure any person who provides evidence of current registration as a registered dietitian by the Commission on Dietetic Registration.

Section 5.0 *License Expiration and Renewal*

- 5.1 Licenses shall be valid for up to two (2) years and ~~must~~ shall be renewed biennially, the renewal fee being one hundred twenty-five (\$125) dollars.
- 5.2 On or before ~~October~~ September 1 of each odd-numbered year, the ~~Administrator of Professional Regulation Department~~ shall mail an application for renewal of license to every dietitian/nutritionist to whom a license has been issued or renewed for the period ending November 1 of the same year. ~~Every person so licensed who intends to practice as a licensed dietitian/nutritionist during each ensuing year shall apply for a license by application to the Administrator of Professional Regulation.~~
- 5.3 Any licensee who allows his or her license to lapse by failing to renew the license by the ~~appropriate date~~ November 1st may be reinstated upon submission of a renewal fee of one hundred twenty-five (\$125) dollars and a re-registration fee of one hundred twenty-five (\$125) dollars for a total of two hundred fifty (\$250) dollars.

Continuing Education Requirements

- ~~5.2.1~~ 5.4 ~~Starting in 1995, and every second year thereafter, said~~ Each application for renewal shall be accompanied by or supported by evidence of the signed by the applicant attesting to the completion of a minimum of twenty (20) continuing education credits using criteria accepted by the Commission on Dietetic Registration, and as approved by the Board.
- ~~5.2.1.1~~ 5.5 ~~Said continuing education requirement shall be pro-rated, as necessary, by the Division to reflect licensure periods of less than two (2) years prior to renewal.~~ Dietitians/nutritionists initially licensed by examination after the November 1st renewal date shall be exempt from the continuing education requirements stated herein until the date of the next renewal cycle (i.e., October 31st of the next odd-numbered year).
- 5.6 It shall be the sole responsibility of the individual dietitian/nutritionist to obtain documentation of his or her participation in the learning experience and the number of dated credits earned. Furthermore, it shall be the sole responsibility of the dietitian/nutritionist to safeguard the documents for review by the Board, if required. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.

- 5.7 An extension of up to six (6) months to complete the continuing education requirements, or a waiver from these requirements, may be granted to a dietitian/nutritionist solely at the discretion of the Board for reasons of hardship or other extenuating circumstances.

Section 6.0 *Denial, Suspension or Revocation of License - Violations*

6.1 Any violation pursuant to the provisions of Chapter 5-64 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, may be cause for denial, revocation or suspension of license or for imposing such other penalties in accordance with Chapter 42-35 of the General Laws of Rhode Island, as amended. Pursuant to section 5-64-9 of the Rhode Island General Laws, as amended, such violations, include but are not limited to:

- (1) guilty of fraud or deceit in procuring or attempting to procure a license;
- (2) guilty of a felony;
- (3) willfully or repeatedly violated any of the provisions of the Act or the rules and regulations herein;
- (4) habitually negligent in the performance of his/her duties;
- (5) is habitually intemperate or is addicted to the use of habit-forming drugs;
- (6) is mentally and/or professionally incompetent;
- (7) Conviction, including, a plea of nolo contendere, of one (1) or more of the offenses listed in section 23-17-37 of the Rhode Island General Laws, as amended;
- (8) Abandonment of a patient;
- (9) Promotion by a dietitian/nutritionist of the sale of drugs, devices, appliances, or goods or services provided for a patient in a manner as to exploit the patient for the financial gain of the dietitian/nutritionist;
- (10) Making or filing false reports or records in the practice of dietetics;
- (11) Repeated failure to file or record, or impede or obstruct a filing or recording, or inducing another person to fail to file or record dietetic reports;
- (12) Failure to furnish patient records upon proper request;
- (13) Revocation, suspension, surrender, or limitation of privilege based on quality of care provided or disciplinary action against a license to practice as a dietitian/nutritionist in another state, jurisdiction, or country;
- (14) Failure to furnish the Board, administrator, investigator, or representatives information legally requested by the Board;

- (15) Departure from or failure to conform to the current standards of acceptable and prevailing practice and code of ethics of the profession.

Section 7.0 ***Exemptions***

- 7.1 These rules and regulations shall not be construed as preventing or restricting the practice, services or activities of:
- a) Any person who does not call him/herself a dietitian/nutritionist from providing nutritional information to customers or any consumer as to the use of food, food products or dietary supplements in connection with the marketing and distribution of those products;
 - b) Any person who provides a weight loss program and/or health maintenance counseling as long as such persons do not engage in nutrition counseling for the management of disease, and do not hold themselves out to be dietitians/nutritionists.
 - c) A person licensed or certified in this state under any other law from engaging in the profession or occupation for which the person is licensed or certified; and any person holding a doctoral degree from an accredited institution in nutrition or a related field as determined by the Board; and any person with a bachelor's degree in home economics who furnishes nutrition information incidental to the practice of his/her profession.
 - d) A person employed as a nutritionist/dietitian by the government of the United States, or the state of Rhode Island, or by a participating local agency of the special supplemental food program for women, infants and children, if the person practices solely under the direction or control of the organization by which the person is employed.
 - e) A student enrolled in an accredited academic program in dietetics/nutrition.
 - f) Family members, friends or acquaintances who provide gratuitous nutrition advice, as long as the advisor does not hold him/herself out to be a dietitian/nutritionist.
 - g) Not-for-profit (26 U.S.C. §501 [c] [3]) health related agencies which provide nutrition information in the normal course of doing business.

Section 8.0 ***Rules Governing Practices and Procedures***

- 8.1 All hearings and reviews required under the provisions of Chapter 5-64 of the General Laws of Rhode Island, as amended, shall be held in accordance with the provisions of the *Rules and Regulations of the Rhode Island Department of Health Regarding Practices and Procedures Before the Rhode Island Department of Health and Access to Public Records of the Department of Health (R42-35-PP)*.

Section 9.0 ***Severability***

- 9.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

REFERENCES

1. Chapter 5-64 of the Rhode Island General Laws, as amended, "The Licensed Dietitian."
Available online:
<http://www.rilin.state.ri.us/Statutes/TITLE5/5-64/INDEX.HTM>
2. Commission on Dietetic Registration, "The Professional Development Portfolio Guide",
available online at: **http://www.cdrnet.org**

Friday, October 20, 2006
dietitian-nutritionists-proposed-october06.doc